

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN

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JOSEPH J. YEOMAN,

Case No. 23-CV-188-JPS

Plaintiff,

v.

JON FRY, WILLIAM EMBREY, JOHN  
DOE, JOHN DOE 1, RACINE  
COUNTY ASSISTANT DISTRICTY  
ATTORNEY ANTOINETTE L. RICH,  
and RACINE COUNTY,

Defendants.

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**DEFENDANTS' CIVIL LOCAL RULE 7(H) EXPEDITED NON-DISPOSITIVE  
MOTION TO ENLARGE THE TIME TO FILE SUMMARY JUDGMENT MOTION**

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**NOW COME** Defendants Jon Fry, William Embrey, Racine County and Sheriff Schmaling, by and through their undersigned attorneys, and as and for their Civil Local Rule 7(h) Expedited Non-Dispositive Motion to Enlarge the time to file Summary Judgment motions, set forth as follows:

This case arises from an August 3, 2016 investigation into a hit and run. Plaintiff asserted numerous causes of action in this case concerning the investigation and prosecution that followed which the Court screened. Pursuant to the screening order, Plaintiff was permitted to proceed on various causes of action including State and

Federal claims for malicious prosecution, a Federal *Monell* claim and a State claim asserting negligent supervision.

The current deadline to file summary judgment motions is September 5, 2025. Pursuant to this Court's scheduling Order, the parties were tasked with the obligation to meet and confer for the purpose of preparing a joint statement of undisputed facts in narrative form limited to a single page. To the extent facts were disputed, the parties were tasked with drafting a separate statement itemizing the facts and including pinpoint citations to the record demonstrating the nature of the competing parties' purported dispute(s).

To comply with the Court's summary judgment procedures, the parties met three times to date. Once in person on May 23, 2025 (which also included an adjourned deposition of Plaintiff) and twice via Zoom videoconference (on June 12, 2025 and August 22, 2025, respectively). At the August 22, 2025 conference, Plaintiff advised that on August 8, 2025 he placed in the mail supplemental responses to Defendant's discovery requests which include a large packet of documents and photographs along with a thumb drive containing other evidence Plaintiff believes is responsive to the Defendants' discovery request and the merits of his claims. Plaintiff also advised he prepared a response to a draft document that contained Defendants' proposed findings of fact for summary judgment which he stated contains pinpoint citations to the record supporting his positions.

Defendants are not yet in receipt of the materials Plaintiff sent on August 8, 2025. It is unknown when those materials will be delivered. Those materials bear on the

nature and extent of any dispositive motion practice concerning Plaintiff's claims. Accordingly, Defendants contend there is good cause to enlarge the deadline to file dispositive to accommodate review of Plaintiff's materials and providing additional opportunity to meet and confer so as to comply with this Court's summary judgment procedures. Defendants request a 60 day extension.

### **CONCLUSION**

**WHEREFORE**, based on the foregoing, Defendants respectfully request that the Court grant their Motion to enlarge the time to file Summary Judgment motions by 60 days.

Dated this 22nd day of August, 2025.

**MEISSNER TIERNEY FISHER & NICHOLS, S.C.**

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